



Paper No. 9

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**FEB 21 2002**

**OFFICE OF PETITIONS**

In re Application of  
Hugh L. Narciso, Jr.  
Application No. 09/469,717  
Filed: December 21, 1999  
Attorney Docket No. 353532000710

DECISION ON PETITION

This is a decision on the petition filed November 21, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to timely reply to the non-final Office action mailed November 3, 2000, which set a three (3) month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on February 4, 2001. A Notice of Abandonment was mailed on June 4, 2001.

With the instant petition, petitioner filed a request for a continued prosecution application (CPA) of the above-identified application under 37 CFR 1.53(d), and met all other requirements for a grantable petition under 37 CFR 1.137(b).

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the CPA, filed November 21, 2001.

In the "Statement of Unintentional Abandonment" submitted with the instant petition, petitioner points out that Corvascular, Inc. is the current assignee of record. However, Office records do not indicate that any assignment papers under 37 CFR 3.73(b) have been filed in the above-identified application.<sup>1</sup>

Furthermore, Office computer records indicate a Revocation and Power of Attorney was filed on November 30, 2001, granting the power of attorney to the law firm of Johnson & Johnson. However, as no such paper is found in the application file, the power of attorney and correspondence address of record have been changed

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<sup>1</sup> "Documents and cover sheets to be recorded should be addressed to the Commissioner, United States Patent and Trademark Office, Box Assignment, Washington, D.C. 20231, unless they are filed together with new applications or with a request under \$3.81." 37 C.F.R. 3.27.

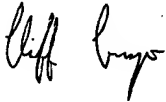
back to the firm of Morrison and Foerster at the above address.

The application file is being forwarded to Technology Center 3700 for processing of the CPA filed November 21, 2001.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy



Cliff Congo  
Petitions Attorney  
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